

AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CODE AND OFFICIAL MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 28.88 ACRES OF PROPERTY, LOCATED AT THE 7200 BLOCK OF WEST FARM ROAD 170, FROM KIRKWOOD ESTATES PLANNED DEVELOPMENT DISTRICT (PDD 22-003) TO KIRKWOOD ESTATES PLANNED DEVELOPMENT DISTRICT (PDD 23-005)

WHEREAS, the City of Republic, Missouri, (“City” and/or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, in 2022, Kyle Kirk and Kirk Werks, LLC (together, “Applicant”) submitted an application to the City’s BUILDS Department to rezone approximately 28.88 acres of real property located at the 7200 Block of West Farm Road 170 in Republic, Missouri (“Property”), from Agricultural (AG) and General Commercial (C-2) to Kirkwood Estates Planned Development District (PDD), identified as PDD 22-003; and

WHEREAS, on or about July 26, 2022, City Council approved the application for PDD 22-003 and accompanying Development Plan, via Ordinance 22-46; and

WHEREAS, the Applicant recently submitted an application (“Application”) to amend the Development Plan for the Kirkwood Estates PDD, the approval of which requires amendment to the zoning classification of the Property under the provisions of Chapter 405, Article 405-IV of the Republic Municipal Code; and

WHEREAS, based upon the substance of the proposed amendments to the Development Plan, pursuant to Republic Municipal Code § 405.250(C), the City submitted the Application and proposed amended Development Plan to the Planning and Zoning Commission (“PZ Commission”) and set a public hearing on the application for October 2, 2023; and

WHEREAS, on or about September 20, 2023, pursuant to Republic Municipal Code § 405.980, the City published notice of the time and date for the public hearing in the *Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least fifteen (15) days before the public hearing; and

WHEREAS, pursuant to Republic Municipal Code § 405.980, the City gave notice of the public hearing on the application to the record owners of all properties located within 185 feet of the Property, consistent with the information shown by the Greene County Assessor’s Office; and

WHEREAS, on October 2, 2023, the PZ Commission conducted the public hearing on the Application and proposed amended Development Plan, after which the PZ Commission rendered written findings of fact on the Application, amended Development Plan, and rezoning and subsequently submitted those findings, along with its recommendations, to the Council; and

WHEREAS, the PZ Commission, by a vote of 5 Ayes to 0 Nays, recommended approval of the Application and the amended Development Plan; and

WHEREAS, the Application and proposed Amended Development Plan was submitted to the City Council for a first reading at its regular meeting on October 3, 2023, and a second reading at its regular meeting on October 17, 2023, after which the City Council voted to approve the amended Development Plan and amend the Zoning Code consistent with the Application.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: The Zoning Code and Official Zoning Map are hereby amended to reflect the rezoning of the real property tract comprising of approximately 28.88 acres, located at the 7200 Block of West Farm Road 170, more fully described in the legal description herein below, from Kirkwood Estates Planned Development District (PDD) (identified as PDD 22-003), to Kirkwood Estates Planned Development District (PDD) (identified as PDD 23-005):

BLOCK A DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 28, RANGE 23 WEST IN GREENE COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT AN EXISTING COTTON PICKER SPINDLE MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST; THENCE N01°54'00"W ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, 20.00 FEET; THENCE LEAVING SAID EAST LINE, N88°29'47"W, 667.50 FEET TO A 5/8-INCH IRON PIN (CAPPED "PLS-2007017965") ON THE NORTH RIGHT-OF-WAY LINE OF FARM ROAD 170; THENCE N1°54'00"W, 20.00 FEET TO A 5/8-INCH IRON PIN (CAPPED "PLS-2007017965"); THENCE N88°29'47"W ALONG SAID RIGHT-OF-WAY LINE, 202.98 FEET TO A 5/8-INCH IRON PIN (CAPPED "PLS-2007017965") FOR THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE N88°29'28"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 463.11 FEET TO A 5/8-INCH IRON PIN (CAPPED "PLS-2007017965"); THENCE N1°55'25"E, A DISTANCE OF 340.21 FEET TO A 5/8-INCH IRON PIN (CAPPED "PLS-2007017965") ON THE SOUTH RIGHT-OF-WAY LINE EAST BOUND US HIGHWAY 60; THENCE N64°20'48"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF EAST BOUND US HIGHWAY 60, A DISTANCE OF 522.13 FEET TO A 5/8-INCH IRON PIN (CAPPED "PLS-2007017965"); THENCE S1°53'41"W, A DISTANCE OF 636.48 FEET TO THE POINT OF BEGINNING, CONTAINING 4.9 ACRES.

BLOCK B DESCRIPTION:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 28, RANGE 23 WEST IN GREENE COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT A SURVEY MONUMENT CAPPED "PLS2190" MARKING THE SOUTHWEST CORNER OF LOT 14 OF OLDE TOWN AT THE KERR PLACE SUBDIVISION; THENCE N88°20'38"W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 28, RANGE 23, A DISTANCE OF 588.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N88°20'38"W, ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 215.20 FEET TO A SURVEY MONUMENT; THENCE N1°44'21"E, A DISTANCE OF 1309.32 FEET TO A SURVEY MONUMENT ON THE SOUTH RIGHT-OF-WAY LINE OF FARM ROAD 170; THENCE S88°07'01"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 218.98 FEET; THENCE S1°54'17"W, A DISTANCE OF 1308.46 FEET TO THE POINT OF BEGINNING, CONTAINING 6.5 ACRES.

BLOCK C DESCRIPTION:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 28, RANGE 23 WEST IN GREENE COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT A SURVEY MONUMENT CAPPED "PLS 2190" MARKING THE SOUTHWEST OF LOT 14 OF OLDE TOWN AT THE KERR PLACE SUBDIVISION. THENCE N1°52'33"E, ALONG THE WEST LINE OF SAID SUBDIVISION, A DISTANCE TO 1306.13 FEET; THENCE N88°07'01"W, A DISTANCE OF 507.72 FEET; THENCE S01°54'17"W, A DISTANCE OF 1308.15 FEET TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF THE NW1/4 OF SECTION 15, TOWNSHIP 28, RANGE 23; THENCE S88°20'38"E, A DISTANCE OF 508.38 FEET TO THE POINT OF BEGINNING, CONTAINING 15.3 ACRES.

Section 2: The Development Plan, attached to this Ordinance and labeled "Attachment 1," is hereby approved and adopted by the Council, along with any modifications and conditions imposed herein.

Section 3: Unless otherwise specifically defined by the approved Development Plan, the development of the tracts of realty contained herein will be regulated according to the requirements of the City of Republic's Municipal Code of Ordinances.

Section 4: In all other aspects other than those herein amended, modified, or changed, the Zoning Code and Official Zoning Map shall remain the same and continue in full force and effect.

Section 5: The whereas clauses are hereby specifically incorporated herein by reference.

Section 6: This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2023.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: